

ZB# 08-14

Poor Peddler, Inc.

9-1-39

08-14 Poor Peddler, Inc. (A
41 Windsor Hwy. 9-1-

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

June 9, 2008

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 07-31

DATE: 5 Feb 2008

APPLICANT:

Poor Peddler, Inc.
41 Windsor Highway, New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 9-19-07

FOR: SITE PLAN

LOCATED AT: Windsor Highway

ZONE: C

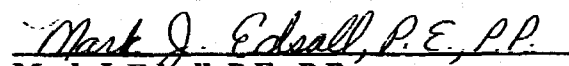
DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 39

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Variances for Lot Area*, Front Yard Setback-Rt. 32*, Front Yard Setback-Ruscitti*, Rear Yard*, Building Height*, Off-street parking

***denotes pre-existing, non-conforming**

TOWN OF NEW WINDSOR CODE: **Bulk Tables – Section 300-8**


Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # **07-31**

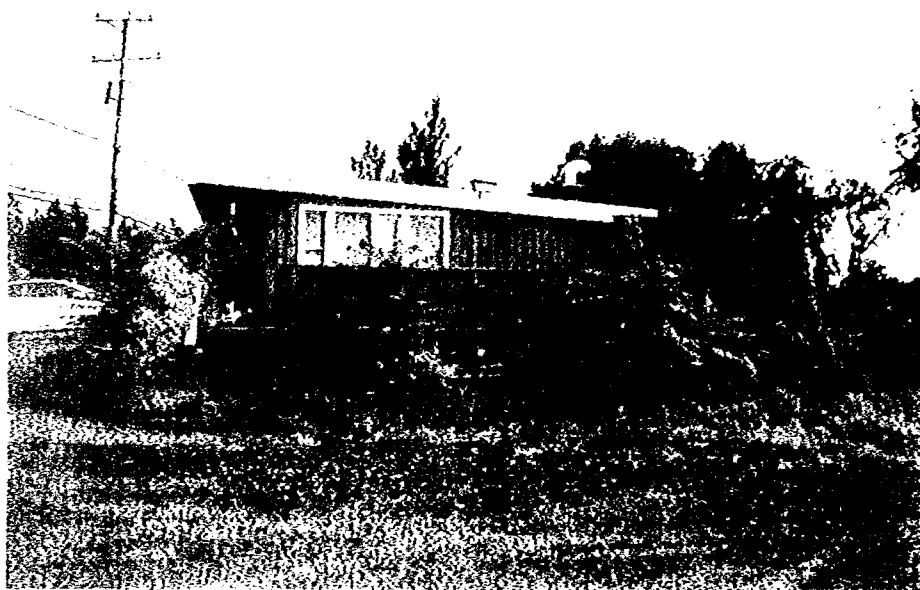
ZONE: **C**

USE:

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA (Gross)	40,000 sf	19,890 sf	29,110 sf
MIN. LOT WIDTH	200 ft	207 ft	-
REQ'D FRONT YARD - RT 32	60 ft	11'7"	47'-5"
REQ'D FRONT YARD - RUSCETTI	60 ft	38'	22 ft
REQUIRED SIDE YARD	30 ft	n/a	-
REQUIRED TOTAL SIDE YARD	70 ft	n/a	-
REQUIRED REAR YARD	30 ft	0 ft	30 ft
REQUIRED FRONTAGE	n/a	n/a	-
MAX. BLDG. HT.	1"/ft NLL	24 ft.	24 ft
FLOOR AREA RATIO	0.5	0.22	-
MIN. LIVABLE AREA	N/A	-	-
DEVELOPMENTAL COVERAGE	85%	84%	-
O/S PARKING SPACES	1/150=20	16	4 spaces

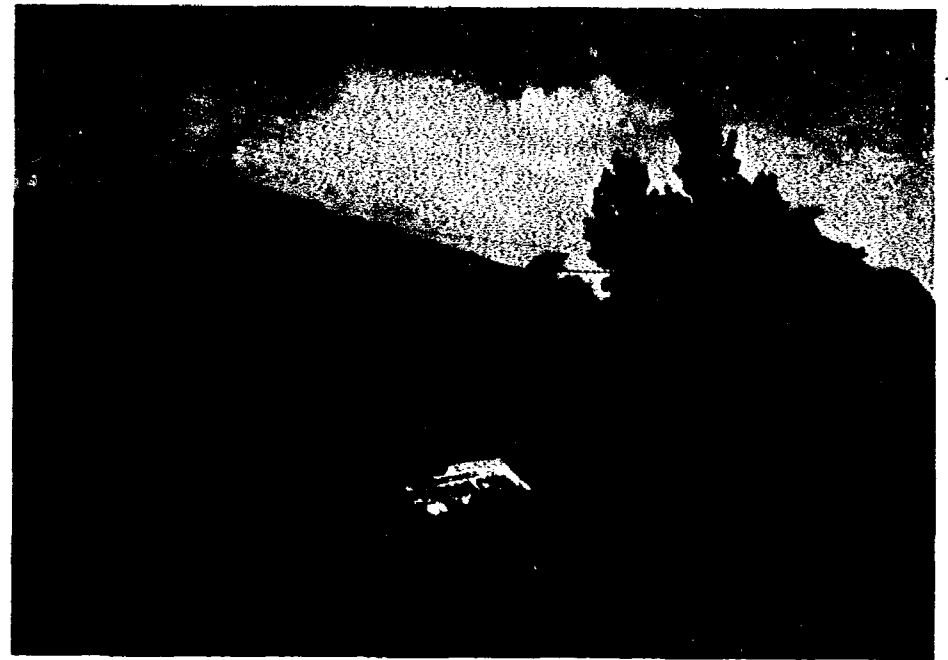
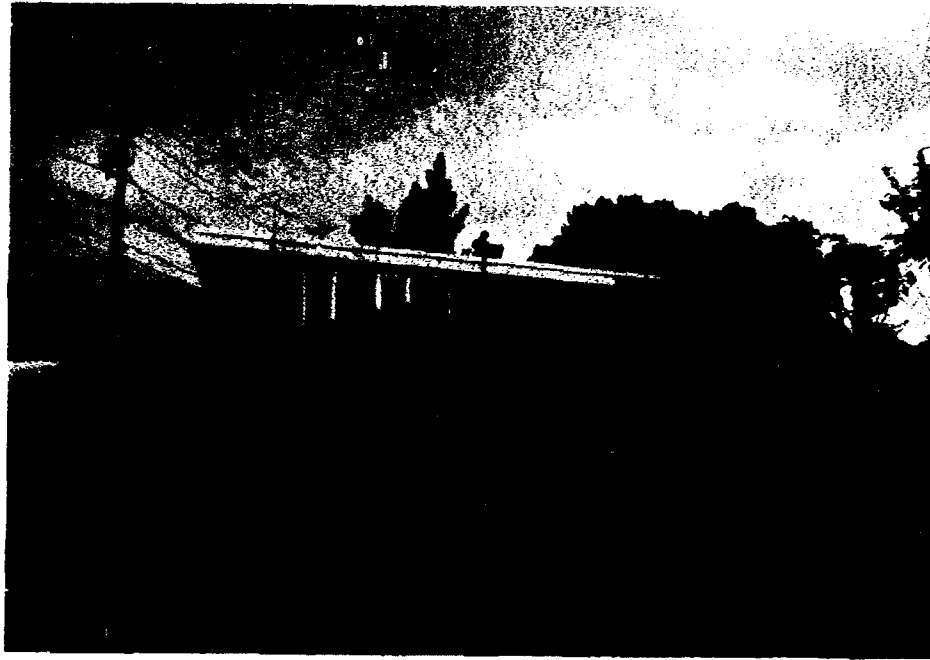
PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

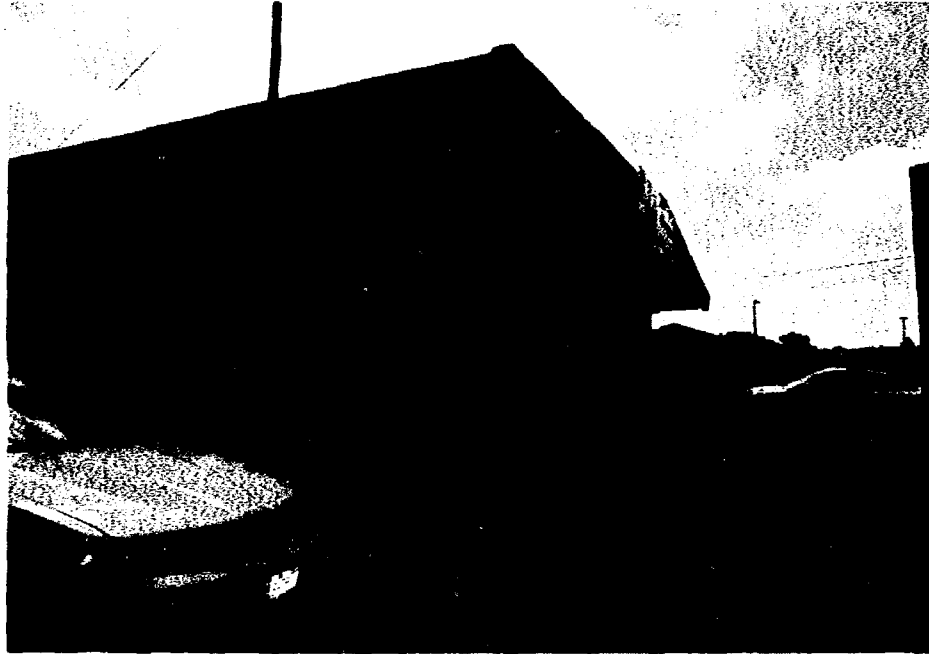


PROJECT NO. - 7-62
SCREEN GEMS

**RETAKE
OF
PREVIOUS
DOCUMENT**



PROJECT NO. - 7-62
SCREEN GEMS



PROJECT NO. - 7-62
SCREEN GEMS

Carl Friedwall President
Pooorpeddler Inc.
466 Round Lake Park Road
Monroe, NY 10950

Saturday, June 7, 2008

Pooorpeddler has requested the Town of New Windsor for permission to add to the existing structure at 41 Windsor Hwy. Screen Gems Inc. the present tenant of 11 years would like to obtain a distributor license from a major clothing Mfg. and are required to display Mfg. complete line. They currently sell the manufactures line in limited quantities that they purchase from other licensed vendors for decoration. My tenant needs the space to grow. They further state the upper level will house the office space and web business now located on the ground level. Their business plan call for the upper level to be used to stock prints and embroidered products in small quantities and extending same day service to its web customers. Pooorpeddler reserves the option to rent additional space on upper level if Screen Gems plans falter.

Thank you

A handwritten signature in dark ink, appearing to read 'Carl Friedwall', followed by a long horizontal flourish.

Carl Friedwall President

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 9-1-39

In the Matter of the Application of

POOOR PEDDLER, INC.

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #08-14

WHEREAS, Pooor Peddler, INC. , owner(s) of 41 Windsor Highway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:

29,110 s.f. Minimum Lot Area (Gross)	30 ft. Rear Yard Setback
47 ft. 5 inches front yard setback (Rt. 32)	22 ft. front yard setback (Ruscitti Road)
24 ft. Maximum Building Height	4 – O/S Parking Spaces

All for proposed two-story addition to existing commercial building at 41 Windsor Highway in a C-Zone (9-1-29)

WHEREAS, a public hearing was held on June 9, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, AJ Coppola appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS no one spoke opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commerical property located in a neighborhood of commerical properties on a busy state highway where the proposed use is allowed in an C zone.

- (b) The rear of the property borders on property owned by Consolidated Rail Company.
- (c) The proposed parking will allow for four employees and twelve visitors. The owner states that he only has three visitors at one time.
- (d) The parking area for the building is partially paved. If the variance is granted it is the applicant's intention to fully pave all parking areas.
- (e) In building the addition there will be no trees or substantial vegetation will be removed.
- (f) The addition will not divert the flow of water drainage or create the ponding or collection of water.
- (g) The addition is not on top of nor will interfere with any easements including water, sewer, or electric easements.
- (h) The property is triangular in shape. The property is shaped unusually.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law

and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for:

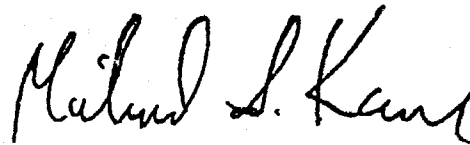
29,110 s.f. Minimum Lot Area (Gross)	30 ft. Rear Yard Setback
47 ft. 5 inches front yard setback (Rt. 32)	22 ft. front yard setback (Ruscitti Road)
24 ft. Maximum Building Height	4 – O/S Parking Spaces

All for proposed two-story addition to existing commercial building at 41 Windsor Highway in a C-Zone (9-1-29) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 9, 2008



Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 01-21-09
SUBJECT: refund escrow

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 309.94 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #08-14

NAME & ADDRESS:

**Poor Peddler, Inc.
41 Windsor Highway
New Windsor, NY 12553**

THANK YOU,

MYRA

JF.01-21-09



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #08-14 TYPE: AREA TELEPHONE: 562-0036

APPLICANT:

Poor Peddler, Inc.
41 Windsor Highway
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>1043</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 1042



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>7</u>	PAGES	\$ <u>49.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>8</u>	PAGES	\$ <u>56.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 5/23/09 \$ 15.06

TOTAL: \$ 120.06 \$ 70.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 190.06

AMOUNT DUE: \$ _____

REFUND DUE: \$ 309.94

Cc:

J.F. 1021-09

April 28, 2008

10

POOOR_PEDDLER, INC. (08-14)

MS. LOCEY: Several requested variances, 29,110 square foot minimum lot area gross, 47 foot 5 inches front yard setback from Route 32, 24 foot maximum building height, 30 foot rear yard setback, 22 foot front yard setback on Ruscitti Road and four off-site parking spaces.

MR. COPPOLA: Thank you. My name is Anthony Coppola, I'm the architect who prepared the plans. Basically, what we're proposing is a two story addition to Screen Gems which is an existing printing business, screen printing business for the corner of Windsor Highway and Ruscitti Drive. Basically, just to quickly describe the existing property and what we're proposing to do, the existing building is approximately 1,800 square feet on the upper story, the story that faces Windsor Highway, there's a full basement in the rear and basically right now that's the entire Screen Gems business is occupied in that 1,800 square feet. The site itself is basically I think almost a hundred percent paved as it exists right now. There are curbing that DOT I think put in at some point down the road but basically the existing site as depicted on the survey and the site plan is well within that the existing curbing so it's very deceiving if you were to go out and the site is almost 25 feet, the lot line is almost 25 feet inside the curbing. So what we have done and we were, we presented this to the planning board way back in December is basically laid out as much parking as we could, we're laying out 16 parking spaces, handicapped parking space, a little bit of landscaping and essentially what we're proposing is a two story addition that's over the existing footprint. There's a concrete patio and foundation just to the south of the existing building so 20 x 30. So basically we're increasing it by a little over 1,200 square feet. So most of the existing variances that we're asking for some are basically all pre-existing,

again because the lot line is way inside the curbing line, the front yard setbacks on we have two front yard setbacks, they were required to be 60, we're nowhere near that, it's 11 foot 7 inches on the existing property corner and 38 feet on the proposed property corner off Ruscitti. The rear yard setback is actually the encroachment this property is on by I think just under two feet, the Consolidated Rail property to the rear so then in combination with that the setback is figured as a function of the setback to the property line so we have no setback there so the height of the building is also now an issue but again that's more or less pre-existing. We're basically matching what we have there. So those are basically the five or six variances that we're asking for, the existing lot size is undersized, it's required to be 40,000 square feet, it's just over 10,000 square feet, the two front yard setbacks I mentioned, the parking spaces we're not that far off, we're required to have 20, we're providing 16 and that's again all that parking is on our lot well within the DOT curbing, the maximum building height I mentioned and the rear yard setback, again, we're actually an encroachment and that's required to be 30 feet but that's existing. So just quickly what we're proposing in the inside is again the existing Screen Gems business we're classifying as mercantile, that first floor is going to be basically an expansion of that screen printing business and the second floor which is 600 square feet is just going to be offices. And I think we were also going to do a bit of a facade renovation to try and make this building look less like an ice cream stand and a little more like an operating business so that's kind of two renderings of what we might do there and that's still something that we're looking at. That's basically it.

MR. BABCOCK: Anthony, the only variance that's being created by the new addition is the front yard setback at Ruscitti Road?

April 28, 2008

12

MR. COPPOLA: That's correct.

MR. BABCOCK: So the rest of them are all existing conditions on the lot other than the parking?

MR. COPPOLA: The parking, yeah.

MS. LOCEY: I'm just a bit confused because the addition is two stories, the original block building is one story and yet you said it's the same height.

MR. COPPOLA: It's not the same height, it's in line, the rear is in line but I'm not sure how the variance works, I think we did it off the newer height but the maximum allowable height of the building is a function of the setback. You see what I'm saying?

MS. LOCEY: Yes, I do.

MR. COPPOLA: So we calculated it that way but we're higher, I mean no doubt we're higher, we're a full story higher than what's there now so that's correct.

MS. LOCEY: Is that's being created?

MR. BABCOCK: That's correct, I'm sorry, yes.

MS. LOCEY: Okay, so they're allowed zero height because they have zero--

MR. BABCOCK: That's correct, zero rear yard.

MR. COPPOLA: One inch per foot.

MR. BABCOCK: That's correct.

MR. COPPOLA: And it's zero and we're proposing 24 feet for the two stories.

MS. LOCEY: And the existing dwelling or the existing

block building already encroaches on the consolidated railroad?

MR. COPPOLA: Right in the back here.

MS. LOCEY: Legally should we be calling for anything from Consolidated Rail?

MR. KRIEGER: No, if it already exists there's nothing you can do about it. The way I read the map anyway the proposed addition will add to that encroachment.

MR. COPPOLA: No, no.

MR. KRIEGER: Yeah, so it's not like this board is giving them permission to encroach, it's not in front of the board so it has no affect on that either way.

MS. LOCEY: Okay, your proposed addition during construction will you be taking away any substantial vegetation?

MR. COPPOLA: No, we won't.

MS. LOCEY: And any water drainage problems as a result of the construction?

MR. COPPOLA: That will remain exactly as it is now.

MS. LOCEY: What about lighting?

MR. COPPOLA: We'll show the planning board adequate site lighting and not spill that onto adjacent properties.

MS. LOCEY: And you have already spoken of one encroachment on, well, it's not an easement, it's just on someone else's property but are there any existing easements or right-of-ways that you're aware of?

April 28, 2008

14

MR. COPPOLA: No.

MS. LOCEY: And obviously the size of the property and the high shape of the property there really is no way you can do such an addition without the requested variances?

MR. COPPOLA: That's correct.

MS. LOCEY: Does anybody else have any questions, comments?

MR. BEDETTI: I'm a little bit confused here, you have two front yard setbacks, one to Route 32, is that addition facing Ruscitti Road or--

MR. COPPOLA: Well, there's going to be--

MR. BEDETTI: It identifies two front yards.

MR. BABCOCK: Because it's two roads, two different roads require you to have two different setbacks, it's a corner lot.

MR. KRIEGER: It's a legal requirement, visually, if you look at the building it appears to only have one front like every other building but because it's on a corner of two roadways it legally speaking needs to have two front yards.

MS. LOCEY: Your request for a variance of four parking spaces there's nowhere on that property you could squeeze those?

MR. COPPOLA: No, again, we have 25 feet between the curb line and our property line so we fit as many as we could, even two over here, so I think that's really the maximum we could do. He does really run the type of business that he doesn't run a huge amount of business that gets a huge amount of traffic, there's only a few

April 28, 2008

15

cars there at one time.

MS. LOCEY: This business has been there for several years.

MR. COPPOLA: Yes, don't know exactly how many years but I know it's been quite a while.

MS. LOCEY: And we do have pictures, I don't see any that shows the traffic coming and going, perhaps one or two of those could be added to what you have already given us.

MR. COPPOLA: Of the state highway.

MS. LOCEY: Just so we can see how the addition will impact traffic.

MR. COPPOLA: Sure.

MR. BEDETTI: The office buildings, now is the office that you're proposing support the store or is it open for rentals?

MR. COPPOLA: Well, I think he wants the option of doing both, I think he does need an office, it's going to start out that way but he does have a side entrance but there's an option if anything changes that he'd be able to rent it out separately so he's telling me both.

MS. LOCEY: Is it zoned for two uses?

MR. BABCOCK: Yes, the requirements are the same.

MR. COPPOLA: I think the parking, well, yes, parking is the same.

MS. LOCEY: Any further questions? If not, I ask for a motion.

April 28, 2008

16

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Poor Peddler, Inc. for the request for variances as stated.

MR. DITTBRENNER: I'll second the motion.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE

POOOR_PEDDLER, _INC._ (08-14)

MR. KANE: Pooor Peddler, Inc. Screen Gems as referred by planning board. Request for 29,110 square foot minimum lot area, 46 foot 5 inches front yard setback on Route 32, 24 foot maximum building height, 30 foot rear yard setback, 22 foot front yard setback on Ruscitti Road and 4 off-street parking spaces all for proposed two story addition in existing commercial building at 41 Windsor Highway in a C zone.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. COPPOLA: My name is A. J. Coppola, I'm the architect who's prepared the site plan. This is Carl Friedwall, he's the owner of the property. Basically what we're here to ask for tonight is a two story 1,200 square foot addition. This addition is about 20 feet wide and 30 feet deep and it is over an existing concrete foundation and patio based on the Ruscitti side of the existing property. So Screen Gems right now occupies the entire existing building which is a 60 feet long and 30 feet wide basically I'll show the, what the interior is basically one story as you walk in and then there's a basement below it. There's one small office in the rear. What we're proposing is basically as I said a 20 foot addition over the existing concrete patio, that space would be combined with the existing Screen Gems operation and then there would be a second floor 600 square foot office space above that. Most of our, if you look at the variance, the variances that we're requesting there are several, most of them basically are pre-existing conditions, some of them are a cause of what we're trying to do but basically as everybody's probably aware of this lot it's a very kind of a severe triangular lot, it's deceiving because from the Windsor Highway side the property line is 25 feet inside of the curb line so this lot appears to be much bigger than it is and DOT

installed those curbs, they left several gaps in there but we're providing all of our parking basically on our lot line. Of course we can't provide parking in the DOT right-of-way but that's one of the very deceiving things as you pass by cause it may look like there's an ocean of parking but in reality the lot line is way inside. So parking is one of our variance requests we're able to squeeze in 16 spaces, zoning requires 20 and I'm going to ask Carl to speak to that in a couple minutes. The front yard setback again right now currently is 11 foot 7 inches that's not going to change, we're asking for front yard setback on Ruscitti Drive that's 38 feet proposed, the rear yard is actually an encroachment onto Consolidated Rail property. Our property goes over by 1.8 feet and the rear yard setback is a function of the height of a building so we're asking for basically an entire variance there but again that's due to the fact that we have a zero lot line or it's an encroachment. Lot area again we can't change the size of the lot, it's 28,000 square foot but it appears a lot larger than it is. So that's basically in a nutshell what our variance requests are. We have been in front of the planning board, we were referred to the zoning board several months ago, we were of course here last month as part of a preliminary meeting and we hope if we're successful after tonight to return back to the planning board and continue our site plan approval and eventually file for a building permit. But I'm going to ask Carl to speak to a couple things, one is the nature of his business, he can tell you a little bit about what Screen Gems does, why Screen Gems needs this additional space, what they hope to do with that space and maybe a little bit about the parking cause we feel that the 16 spaces are more than adequate for the parking that his business will use.

MR. FRIEDWALL: I only brought two outlines.

MR. COPPOLA: I have another copy.

MR. FRIEDWALL: I think and again my name is Carl Friedwall, I'm no longer the owner of Screen Gems, my daughter runs the business now. She owns it. Poor Peddler is the owner of the building and Claire rents from me. Screen Gems is doing pretty well as you know that place that one corner was transient for a long time, nobody stayed there but I seem to make a business out of it. She's doing really well, she wants to add a new clothing line and they require specific amount of area for their complete line and so this particular area on the ground floor is going to be used for the, it's the Carhart line and to get a license you have to be able to do it, I also have a license as you see in the U.S. Military Academy and the web-based business could really be expanded for that and basically that's it. You pass that area all the time when you go down 32, you never see a lot of cars in my parking lot, you know, so it's not that there's a run on clothing, screen printed items but she does very well down there.

MR. KANE: How many employees are on the location?

MR. FRIEDWALL: Four, right now four, well, there's three and a part-timer.

MR. KANE: So if they were all there, you still have 12 spaces for customers which at the most that you may see at one time?

MR. FRIEDWALL: Yes.

MR. KANE: How many?

MR. FRIEDWALL: You might get three customers at one time.

MR. KANE: In one shot?

MR. FRIEDWALL: Yes.

MR. DITTBRENNER: You do primarily wholesale, you have licenses to screen print clothing lines?

MR. FRIEDWALL: We also we have a not a retail off the rack kind of business, we have a retail order business and retail prices.

MR. DITTBRENNER: But the majority of your business is wholesale so it's not driven by customers coming to the site?

MR. FRIEDWALL: No.

MR. DITTBRENNER: I think that's important to understand.

MR. FRIEDWALL: There is a lot of telephone calls, web based.

MR. BABCOCK: Are you using that as the foundation?

MR. COPPOLA: We hope to, we're going to verify that it is sound and deep enough but yes, that's the intent.

MR. BABCOCK: So the foundation when that was an ice cream stand that was where they sit with their picnic tables so basically the foundation's in for the addition.

MR. COPPOLA: Correct.

MR. DITTBRENNER: As long as the--

MR. KANE: Carl, how many existing parking places do you have now?

MR. FRIEDWALL: Well, they don't use the side too much, the unpaved area on the side although it's available to anybody who wants to use it.

MR. KANE: You can add that in your equation.

MR. FRIEDWALL: Right but it's all going to be paved.

MR. KANE: How many do you have?

MR. FRIEDWALL: I have two handicapped and another two in the front, three on the side.

MR. KANE: So you have been operating right now successfully with three to four employees in there and total of maybe 9 spaces?

MR. FRIEDWALL: Right, never had a problem.

MR. KANE: And we're bringing that up to 16 spaces?

MR. FRIEDWALL: Right.

MR. KANE: Even though it's four short of what's required.

MR. FRIEDWALL: Yes.

MR. KRIEGER: Four short of what's required but it's a significant improvement over what's there.

MR. KANE: Over what's existing right now.

MR. FRIEDWALL: Yes.

MR. KANE: Thank you. At this point, I will ask if there's anybody here in the audience? Seeing as there's not, we'll close the public portion of the meeting bring it back to Myra and ask her how many mailings we had.

MS. MASON: On May 23 I mailed out 14 addressed envelopes and had no response.

MR. KANE: Obviously since it's an existing pad there's no cutting down of vegetation or trees?

MR. COPPOLA: No.

MR. KANE: There's not going to be any creating of water hazards or runoffs?

MR. COPPOLA: No, all that stays the same.

MS. LOCEY: Would you speak a little bit of the second floor office space and what you would envision that to be?

MR. COPPOLA: Well, just real quickly it's 600 square feet on the second floor, there's going to be a side entrance, we'll have a separate entrance there, one bathroom, it does not, it is not required under the building code to be accessible, handicapped accessible, it's under that threshold of square footage.

MS. LOCEY: And you don't anticipate that any potential renter would cause parking problems?

MR. COPPOLA: I don't think so in this type of space no.

MR. BABCOCK: The parking calculations are done by square footage so there's the parking calculation was done for the entire building whether he's there or there's a tenant and as you know if there was more than one tenant there would be more employees, could be more traffic depending on who the tenant is.

MS. LOCEY: Right.

MR. BABCOCK: That's why we have to look at it that he needs the 20 spaces because if the gentleman decides to sell the building to another company that does strictly

retail then he would have to have that amount of parking or make it work.

MR. KRIEGER: Just so I can put it on the record so I have, look at the map here, I see basically a triangular piece of property, it butts right up against the railway right-of-way.

MR. COPPOLA: Right.

MR. KRIEGER: So there's no gap between that and the right-of-way on the other side of the highway?

MR. FRIEDWALL: Yes.

MR. COPPOLA: Correct.

MR. KRIEGER: So it's a unusually shaped piece of property.

MR. COPPOLA: That's correct, very unusual.

MR. KANE: Further questions?

MR. BEDETTI: Am I correct in understanding that you said the office is not going to be used to support the existing business, it's going to be built just as a rental office?

MR. FRIEDWALL: No, no, no.

MR. BEDETTI: Is it going to be used to support the business?

MR. FRIEDWALL: Yes.

MR. BEDETTI: What threw me is the last sentence that says Poor Peddler reserves the option to rent additional space on upper level of Screen Gems plans.

MR. FRIEDWALL: These are tougher times but I don't foresee that happening right now, upstairs is going to be computers, telephone, web base.

MR. BEDETTI: It's going to be used to support the existing business?

MR. FRIEDWALL: Right, yes.

MR. KANE: Any other questions? I'll accept a motion.

MR. DITTBRENNER: I move to accept and approve the application of Poor Peddler, Inc. for various variance requests both new and pre-existing, non-conforming as indicated on the application.

MR. TORPEY: Second that.

ROLL CALL

MR. BEDETTI	AYE
MR. DITTBRENNER	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: June 23rd is the next meeting. Motion to adjourn?

MS. LOCEY: So moved.

MR. TORPEY: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. DITTBRENNER	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 04-23-08

FOR: 08-14 ESCROW

FROM:

Poor Peddler, Inc.
41 Windsor Highway
New Windsor, NY 12553

CHECK FROM:
SAME

CHECK NUMBER: 1042

TELEPHONE: 562-0036

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Fenegan 5-9-08
NAME DATE

10A 08-14 ESCROW

POORPEDDLER INC 562-0036
466 ROUND LAKE PARK ROAD
MONROE, NY 10950

ORANGE COUNTY TRUST COMPANY
MIDDLETOWN - MONTGOMERY - VAILS GATE, NY
50-247-219

1042

PAY TO THE
ORDER OF

\$ 500.00

DOLLARS

Town of New Windsor
555 Union Ave
New Windsor, NY 12553

MEMO

001042 021902475 8092719



RESULTS OF Z.B.A. MEETING OF:

June 9, 2008

PROJECT: Passer Peddler (Screen Term)

ZBA # 08-14

P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____



ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

DITTBRENNER _____

BEDETTI _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____



PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) D S) T VOTE: A _____ N _____

DITTBRENNER A

BEDETTI A

LOCEY A

TORPEY A

KANE A

CARRIED: Y _____ N _____

AGENDA DATE: June 9, 2008

**PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. (08-14)

Request of POOR PEDDLER, INC. (Screen Games)

for a VARIANCE of the Zoning Local Law to Permit:

Request for:

29,110 s.f. Minimum Lot Area (Gross)

30 ft. Rear Yard Setback

47 ft. 5 inches front yard setback (Rt. 32)

22 ft. front yard setback (Rural Rd)

24 ft. Maximum Building Height

4 - C/S Parking Spaces

All for proposed two-story addition to existing commercial building at 41 Windsor

Highway in a C-Zone (R-1-29)

PUBLIC HEARING will take place on JUNE 9, 2008

at the New Windsor Town Hall,

555 Union Avenue, New Windsor, New York beginning at 7:30 PM.

Michael Koss, Chairman

STATE OF NEW YORK

COUNTY OF ORANGE, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper 1

time(s) commencing on the 23rd day of May, A.D., 2008 and ending on the 23rd day of May, A.D., 2008.

Kathleen O'Brien

Subscribed and shown to before me this 10th day of June, 2008.

Deborah Green

Notary Public of the State of New York
County of Orange
My commission expires _____

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

\$15.00

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

POOR PEDDLER

AFFIDAVIT OF SERVICE BY MAIL

#08-14

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:


That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 23RD day of MAY, 2008, I compared the 14 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

9th day of June, 2008


Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/12

Myra



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessor's Office
Assessor J. Todd Wiley, IAO

May 6, 2008

Poor Peddler, Inc. (Screen Gem)
466 Round Lake Park Road
Monroe, NY 10950

Re: 9-1-39

ZBA#: 08-14 (14)

To Whom It May Concern:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads "J. Todd Wiley".

J. Todd Wiley, IAO
Sole Assessor

JTW/td

CC: Myra Mason, Zoning Board

9-1-109
Construction Properties LLC
PO Box 2068
Newburgh, NY 12550

9-1-106.2, 10-2-4
Mans Brothers Realty, Inc.
PO Box 247
Vails Gate, NY 12584

9-1-106.1
Joseph Monti, Jr. & Marie Carmela
54 Windsor Highway
New Windsor, NY 12553

9-1-21.21, 9-1-20.1
Route 32 Realty Corp.
70 Windsor Highway
New Windsor, NY 12553

9-1-38.21
Straus Family Capital Group, LLC
59 Windsor Highway
New Windsor, NY 12553

9-1-50
New Terminal Corp.
Attn: Myron P. Shevell
1-71 North Avenue East
Elizabeth, NJ 07201

9-1-49.2, 9-1-48
Tilcon New York Inc.
162 Old Mill Road
West Nyack, NY 10997

9-1-107
Argenio Brothers
PO Box 2068
Newburgh, NY 12550

9-1-108.1
New Windsor Equipment R
Rental & Service Equipment
14 Argenio Drive
New Windsor, NY 12553

9-1-37.1
Occupations Inc.
15 Fortune Road West
Middletown, NY 10940

9-1-51
Yonkers Contracting Co. Inc.
969 Midland Avenue
Yonkers, NY 10704

10-2-5
Clarence Mans
38 Windsor Highway
New Windsor, NY 12553

10-2-6, 10-2-7
NY York Unique LLC
PO Box 662
Newburgh, NY 12550

NY Central Lines, LLC
500 Water Street (J-910)
Jacksonville, FL 32202

● TOWN OF NEW WINDSOR ●
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 05-01-08 mm

DATE: 05-01-08 PROJECT NUMBER: ZBA# 08-14 P.B. # _____

APPLICANT NAME: Poor Peddler, Inc. (Screen Gems)

PERSON TO NOTIFY TO PICK UP LIST:

Coppola Associates
3 Washington Center - 2nd floor
Newburgh, NY 12550

TELEPHONE: 561-3559

TAX MAP NUMBER: SEC. 9 BLOCK 1 LOT 39
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: corner Ruscitti Drive & Rt. 32
New Windsor, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1041

TOTAL CHARGES: _____

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. (08-14)

Request of POOOR PEDDLER, INC. (Screen Gems)

for a VARIANCE of the Zoning Local Law to Permit:

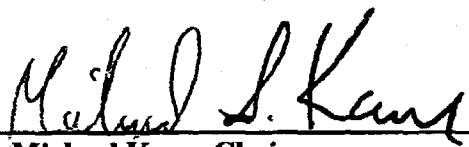
Request for:

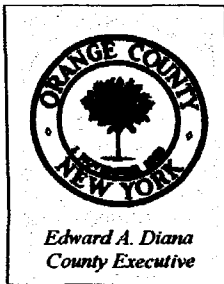
29,110 s.f. Minimum Lot Area (Gross)
47 ft. 5 inches front yard setback (Rt. 32)
24 ft. Maximum Building Height

30 ft. Rear Yard Setback
22 ft. front yard setback (Ruscitti Rd)
4 – O/S Parking Spaces

All for proposed two-story addition to existing commercial building at 41 Windsor Highway in a C-Zone (9-1-29)

PUBLIC HEARING will take place on JUNE 9, 2008 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.


Michael Kane, Chairman



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of New Windsor ZBA
Applicant: Poor Peddler, Inc
Project Name: Poor Peddler, Inc. (Screen Gems)
Proposed Action: Area Variance
Reason for County Review: Within 500 feet of NYS Route 32
Date of Full Statement: 4/25/08

Referral ID #: S: 9 B: 1 L: 39
Tax Map #: NWT09-08M
Local File #: 08-14

Comments:

The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

County Recommendation: **Local Determination**

Date: 5/15/08
Prepared by: Todd Cohen

Kelly M. Wolli
for David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.



REPORT OF FINAL LOCAL ACTION

To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924

From:

Date:

Subject: GML 239 Referral ID# NWT09-08M
Name of project: Poor Peddler, Inc AV

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

_____ Our local board **approved** this action on _____.

_____ Our local board **approved** this action **with modifications** on _____.
Briefly, the modifications consisted of:

_____ Our local board **disapproved** this action on _____.
Briefly, the reasons for disapproving this action were:

_____ The proposal was **withdrawn**.

Additional space for comments on actions:

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#268-2008

05/08/2008

Poorpeddler Inc. *ZPA 08-14*

Received \$ 150.00 for Zoning Board Fees, on 05/08/2008. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF: April 28, 2008

PROJECT: Poor Peddler, Inc. (Screen Lens) ZBA # 08-14
P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) B S) D VOTE: A 3 N 0

Dittbrenner

~~VOLPE~~ A
BEDETTI A
LOCEY A
TORPEY _____
KANE _____

CARRIED: Y ☒ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

VOLPE _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Need photos of traffic coming & going.

Sent to O.C. Planning

AGENDA DATE: _____



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

February 28, 2008
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** Phone Number: (845) 562-0036
Pocor Peddler, Inc. Fax Number: ()
(Name)
41 Windsor Highway, New Windsor, NY 12553
(Address)
- II. **Applicant:** Phone Number: (845) 562-0036
Pocor Peddler, Inc. Fax Number: ()
(Name)
41 Windsor Highway, New Windsor, NY 12553
(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
Coppola Associates
(Name)
3 Washington Center, 2nd Floor, Newburgh, NY 12550
(Address)
- V. **Property Information:**
Zone: C Property Address in Question: 41 Windsor Highway
Lot Size: 10,890 sf Tax Map Number: Section 9 Block 1 Lot 39
a. What other zones lie within 500 feet? No
b. Is pending sale or lease subject to ZBA approval of this Application?
c. When was property purchased by present owner? No
d. Has property been subdivided previously? No If so, When:
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector?
f. Is there any outside storage at the property now or is any proposed?

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; The owner has owned the property for almost 11 years and his business has outgrown the current size. He would like to stay in the area.
2. Whether the requested area variance is substantial; The variance is not substantial, because the owner is trying to maximize his existing lot.
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; The proposed variance will not have an adverse effect on the traffic or drainage.
4. Whether the alleged difficulty was self-created. The alleged difficulty was not self-created.

**After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The area variances sought by this application are both pre-existing and non-conforming conditions.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	40,000 sf	19,890	29,110
Min. Lot Width			
Reqd. Front Yd. Rt. 32	60'-0"	11'-7"	41'-5"
Ruscetti	60'-0"	32'-0"	22'-0"
Reqd. Side Yd.			
Total Side Yd.			
Reqd. Rear Yd.	30'-0"	0	30'-0"
Reqd. St Front*			
Max. Bldg. Hgt.	1" / 44 NLL	24'-0"	24'-0"
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ratio**			
Parking Area	1 / 150 = 80	16	4 spaces

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- 4 single sheet S.P. → ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
- ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

19th day of March 2008.

SHIVANI SARAYA
Notary Public - State of New York
No. 01875132938
Qualified in Orange County
My Commission Expires August 29, 09

Shivani Saraya
Signature and Stamp of Notary

Carl Friedwall
Owner's Signature (Notarized)

Carl Friedwall

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PoorPeddler, Inc., deposes and says that he resides
(OWNER)

at 466 Round Lake Park Road, Monroe, NY 10950 in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. Block Lot)
designation number (Sec. 9 Block 1 Lot 29) which is the premises described in

the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

Coppola Associates, 2 Washington Center, 2nd Floor, Newburgh, NY 12550
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: March 12 2008

Sworn to before me this:

12th day of March 2008

Shivani Saraiya

SHIVANI SARAIYA
Notary Public - State of New York
No. 01063102963

Qualified in Orange County

My Commission Expires August 29, 09

** 
Owner's Signature (MUST BE NOTARIZED)

Applicant's Signature (If different than owner)

Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR PooorPeddler Inc.	2. PROJECT NAME Screen Gems
3. PROJECT LOCATION: Municipality New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 41 Windsor Highway New Windsor, New York 12553	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: 2 story addition to include additional retail and office space.	
7. AMOUNT OF LAND AFFECTED: Initially .25 acres Ultimately .25 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Does not meet front yard set back or parking requirement	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="margin-left: 40px;">NO</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="margin-left: 40px;">NO</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="margin-left: 40px;">NO</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="margin-left: 40px;">NO</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="margin-left: 40px;">NO</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="margin-left: 40px;">NO</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="margin-left: 40px;">NO</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:</p>	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination</p>	
<p>_____ Name of Lead Agency</p>	<p>_____ Date</p>
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>

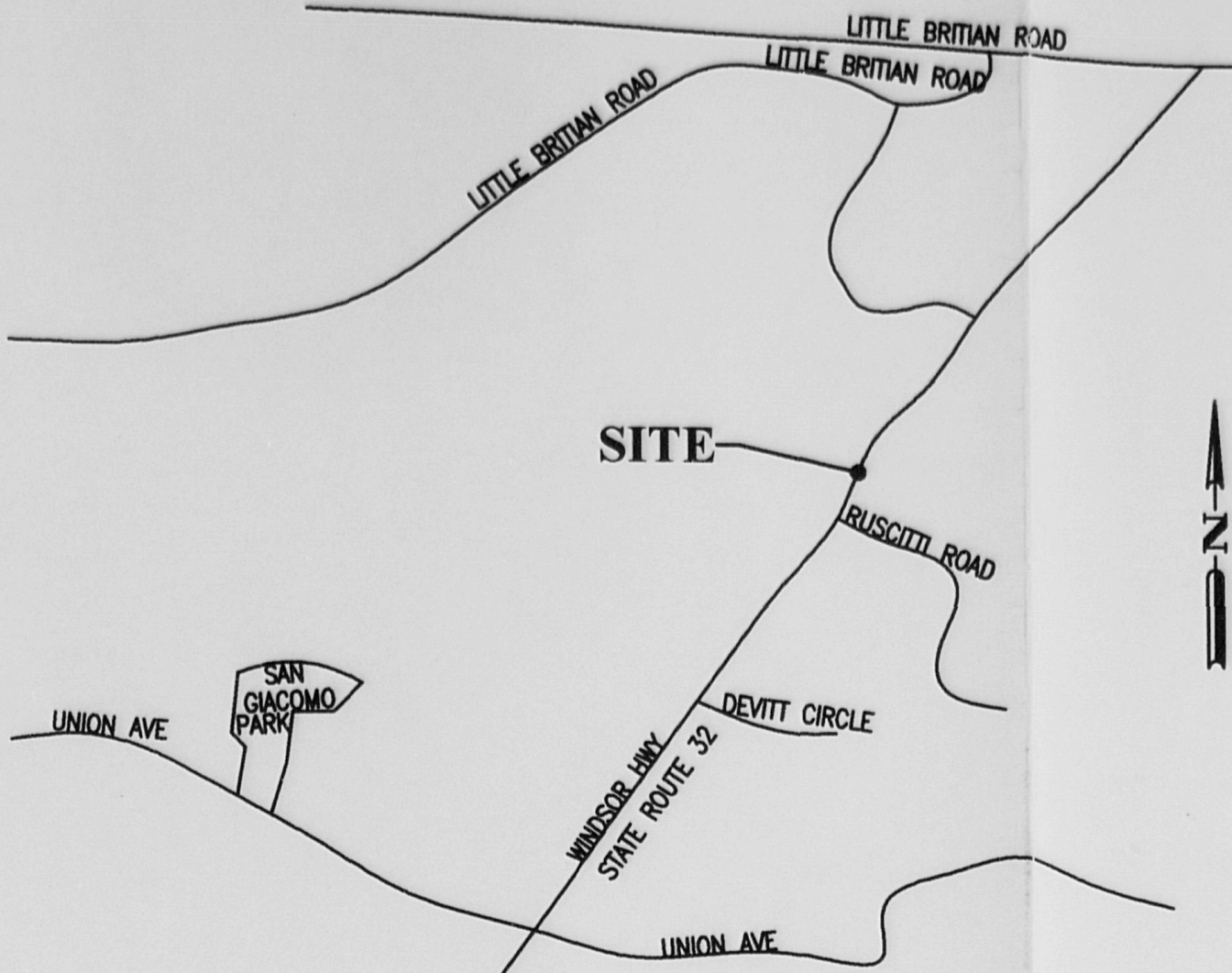
Bulk Table Requirements for C Zoning District			
Town of New Windsor, N.Y.			
Requirements	Required	Proposed	Variance - Required
Minimum Lot Area	40,000 s.f.	10,890 s.f. *	29,110 s.f.
Lot Width	200 ft.	207 ft	
Front Yard Setback - RT 32	60 ft.	11'-7" *	47'-5"
Front Yard Setback - Ruscitti Rd	60 ft.	38'-0"	22'-0"
Rear Yard Setback	30 ft.	0 *	30 ft
Side Yard Setback	30/70	N/A	
Max. Building Height	1" per 1'-0" = 0	24' +/- *	24 ft
Floor Area Ratio	0.5	0.22	
Development Coverage	85%	84%	

* Pre-Existing Non-Conforming

Parking Requirements		
Town of New Windsor, N.Y.		
Requirements	Required	Proposed
Parking Space Size	9'-0"x19'-0"	9'-0"x19'-0"
Required HC Parking	1	1
Required Parking	1/150 s.f. = 3100/150 = 20	16 (Variance Required)

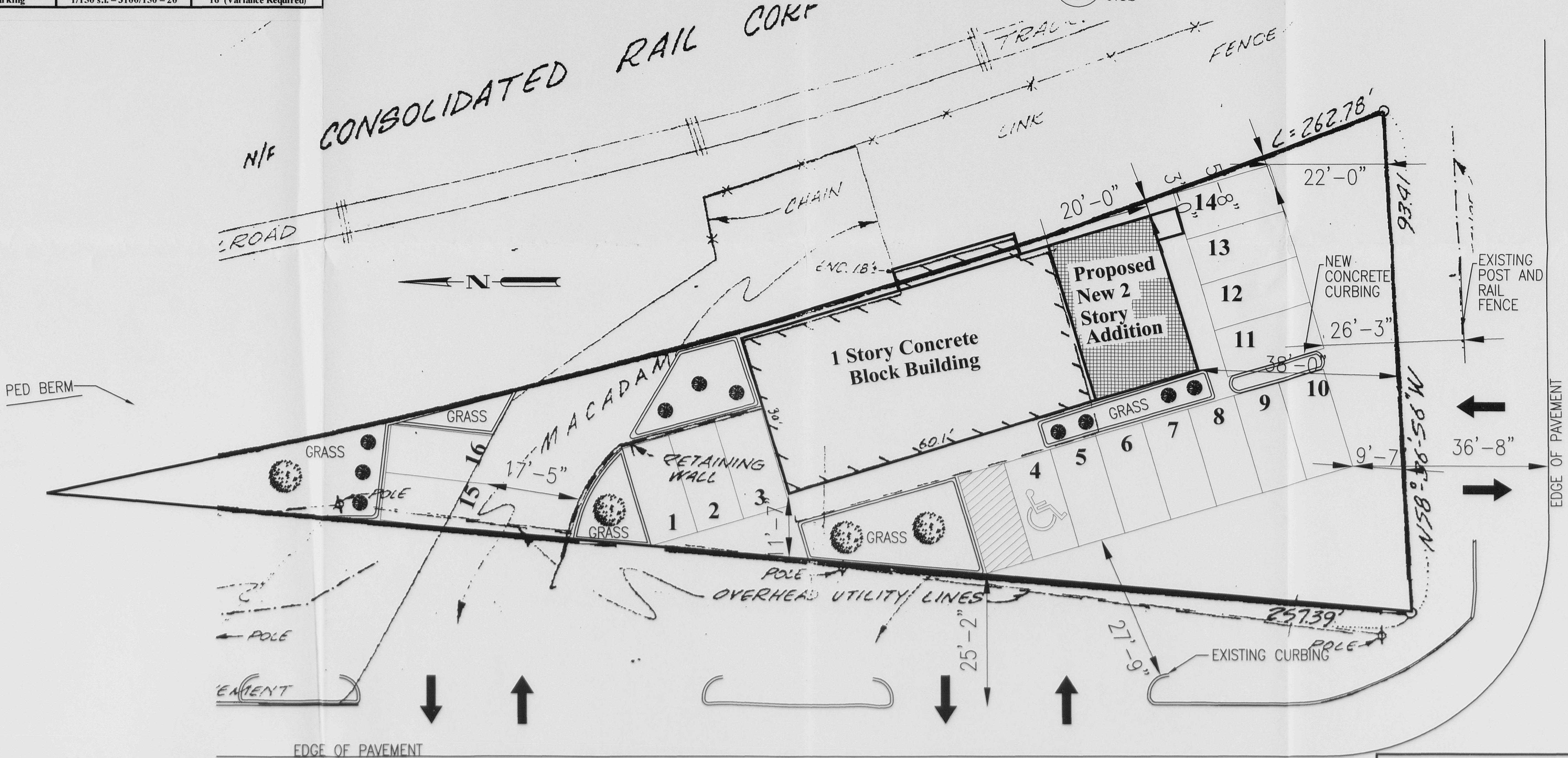
Site Plan Notes:

- The proposed Site Plan is for a 1216 s.f. 2 story retail addition at 41 Windsor Highway, New Windsor NY.
- The project applicant is Carl Friedwall, 41 Windsor Highway, New Windsor, NY 12550.
- Boundary & topographical information based on a survey prepared by Peter R. Hustis, L.L.S



BEFORE UNDERTAKING ANY DIGGING, DRILLING, BLASTING, OR DISTURBANCE TO THE GROUND IN ANY WAY, FOR ANY REASON, ALL INDIVIDUALS **MUST CALL**
DIG SAFELY NEW YORK
 1-800-962-7962

1 Location Map
 SP1 NTS

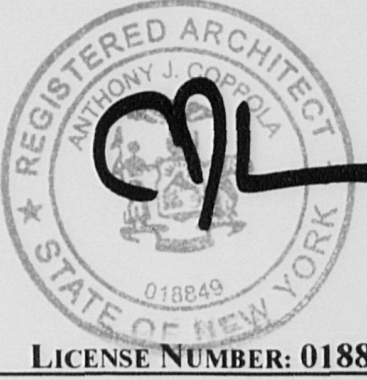


NYS Route 32- Windsor Highway

2 Site Plan
 SP1 1"=20'-0"

COPPOLASSOCIATES

Design, Architecture & Planning
 3 Washington Center
 Second Floor
 Newburgh, NY 12550
 TEL: 845-561-3559
 FAX: 845-561-2051
 coppolaassociates@verizon.net



Proposed 2 Story Addition for

Screen Gems

41 Windsor Highway
 New Windsor, NY

Site Plan

REVISIONS	
DATE	
10/18/07	PROJECT NUMBER
07062	SHEET NUMBER

SP1